

HONORABLE KYMBERLY K. EVANSON

UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF WASHINGTON  
SEATTLE DIVISION

JARED TUTTLE, an individual,  
Plaintiff,  
HARTFORD LIFE AND ACCIDENT  
INSURANCE COMPANY,  
Defendant.

Case No.: 2:23-cv-00448-KKE

**STIPULATED MOTION FOR LEAVE  
TO FILE “ADMINISTRATIVE  
RECORD” UNDER SEAL AND  
ORDER**

NOTED FOR: October 12, 2023

**I. Relief Requested**

The parties respectfully move the Court, pursuant to Federal Rule of Civil Procedure 5.2(d) and Local Civil Rule 5(g), to order that the “Administrative Record” in this matter – the defendant insurance company’s claim file – be filed under seal, without redactions. The parties also respectfully request that the Court briefly extend the current deadline for filing the Administrative Record in the Court’s Scheduling Order (Docket No. 12), currently set for October 16, 2023, to allow for consideration of this motion and to permit the parties to file the Administrative Record within one week of the Court’s ruling on this Stipulated Motion.

**II. Relevant Facts and Legal Authority**

This action arises under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1001 *et seq.* The parties agree the Court will need to consider Defendant’s claim file in this ERISA benefits case. Here, that 2,316-page file is primarily voluminous medical records and

1 other documents addressing Plaintiff's psychiatric conditions.

2 Although Local Civil Rule 5(g) establishes a strong presumption in favor of public access  
3 to court filings, the need to protect medical privacy qualifies as a "compelling reason" to allow  
4 records to be filed under seal. *Karpenski v. Am. Gen. Life Companies, LLC*, No. 2:12-CV01569-  
5 RSM, 2013 WL 5588312 at \*1 (W.D. Wash. Oct. 9, 2013) (citing *Kamakana v. City and County of*  
6 *Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)). *See also Macon v. United Parcel Serv., Inc.*, 2013  
7 WL 951013, at \*5 (W.D. Wash. Mar. 12, 2013) (granting unopposed motion to seal medical  
8 records given the "private nature of the documents at issue"); *Gary v. Unum Life Ins. Co. of Am.*,  
9 No. 3:17-CV-01414-HZ, 2018 WL 1811470, at \*3 (D. Or. Apr. 17, 2018) (granting an opposed  
10 motion to seal an ERISA claim file, citing numerous cases and stating "[t]he parties have not  
11 presented, and the Court is not aware of, any cases where medical information was not allowed to  
12 be filed under seal under the 'compelling reasons' standard.").

13 Local Civil Rule 5.2(c) states that "in an action for benefits under the Social Security Act"  
14 the "administrative record must be filed under seal" because those "actions are entitled to special  
15 treatment due to the prevalence of sensitive information and the volume of filings." *Id.* That  
16 reasoning applies to this action for ERISA disability benefits. Sensitive information concerning the  
17 Plaintiff is found throughout the claim file.

18 As certified below, the parties discussed whether redaction would be a suitable alternative.  
19 Due to the volume of the record, and the extensive redaction that would be necessary, the parties  
20 believe redaction is not a reasonable alternative. Federal Rule of Civil Procedure 5(d) provides that  
21 the "court may order that a filing be made under seal without redaction" and the parties  
22 respectfully move the Court to so order here.

### 23 III. Local Rule 5.2(g)(3)(A) Certification

24 The parties certify pursuant to Local Rule 5.2(g)(3)(A) that attorney Robert Rosati  
25 representing Plaintiff and attorney Sarah Swale representing Defendant conferred by telephone on  
26 May 2, 2023, and again via email correspondence in October of 2023, to discuss filing the record  
27 under seal and to explore redaction and other alternatives to filing under seal. They agreed  
28 redaction was not a reasonable means to protect Plaintiff's medical privacy, because the

documents would need to be so heavily redacted.

#### IV. Conclusion

The parties respectfully move the Court to order that the “Administrative Record” in this matter be filed under seal and to extend the current deadline for filing the Administrative Record in the Court’s Scheduling Order (Docket No. 12) to allow for consideration of this motion and to permit the parties to file the Administrative Record within one week of the Court’s ruling on this Stipulated Motion .

IT IS SO STIPULATED AND RESPECTFULLY SUBMITTED THIS 12th day of October 2023.

s/ Robert J. Rosati  
ROBERT J. ROSATI, CA # 112006

Attorneys for Plaintiff,  
*JARED TUTTLE*  
*Pro Hac Vice*

LAW OFFICE OF MEL CRAWFORD  
s/ Mel Crawford  
MEL CRAWFORD, WSBA # 22930

Attorney for Plaintiff,  
*JARED TUTTLE*

JENSEN MORSE BAKER PLLC

s/Sarah E. Swale  
Sarah E. Swale, WSBA No. 29626  
[sarah.swale@jmblawyers.com](mailto:sarah.swale@jmblawyers.com)  
Gabriel Baker, WSBA No. 28473  
[gabe.baker@jmblawyers.com](mailto:gabe.baker@jmblawyers.com)

Attorneys for Defendant  
*HARTFORD LIFE AND ACCIDENT*  
*INSURANCE COMPANY*

**ORDER**

The Court GRANTS the parties' stipulated motion. Dkt. No. 14. The Court finds that Plaintiff's interest in medical privacy outweighs the presumption of public access to court records, and ORDERS that the administrative record in this action be filed and maintained under seal. The parties must file the administrative record no later than October 19, 2023.

DATED this 12th day of October, 2023.



---

Kymberly K. Evanson  
United States District Judge